

# EXHIBIT

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Page 1

1  
2       UNITED STATES DISTRICT COURT  
3                   SOUTHERN DISTRICT OF NEW YORK  
4

5       Civil Action No. 1:16-cv-08879-VSB  
6

7       -----x  
8       TINA MICHELLE BRAUNSTEIN,  
9    Plaintiff,  
10       - against -  
11       SAHARA PLAZA, LLC, and THE PLAZA HOTEL,  
12    a FAIRMONT MANAGED HOTEL,  
13

14    Defendants.  
15

16       -----x  
17    101 Park Avenue  
18    New York, New York  
19    September 28, 2017  
20    11:04 a.m.

21       DEPOSITION of EVAN HUNT, a Non-Party  
22       Witness in the above-entitled action, held  
23       at the aforementioned time and place, taken  
24       before Ashley Shugar, a Shorthand Reporter  
25       and Notary Public of the State of New York,  
  pursuant to the Federal Rules of Civil  
  Procedure, Notice and stipulations between  
  Counsel.

26    \*       \*       \*

<p>1 2 APPEARANCES: 3 4 RAISER &amp; KENIFF, PC 5 Attorneys for Plaintiff 6 300 Old Country Road, Suite 351 7 Mineola, New York 11501 8 BY: E. GORDON HAESLOOP, ESQ. 9 gordon@raiserkenniff.com 10 11 12 SILLS CUMMINS &amp; GROSS PC 13 Attorneys for Defendants 14 SAHARA PLAZA, LLC, and THE PLAZA HOTEL, 15 a FAIRMONT MANAGED HOTEL 16 101 Park Avenue, 28th Floor 17 New York, New York 10178 18 BY: A. SONU RAY, ESQ. 19 sray@sillscummis.com 20 21 22 * * * 23 24 25</p>	<p>Page 2</p> <p>1 E. HUNT 2 EVAN HUNT, the Witness herein, 3 having first been duly sworn by the Notary 4 Public, was examined and testified as 5 follows: 6 EXAMINATION BY 7 MR. HAESLOOP: 8 Q. Okay. Could I have your full 9 name and home address, please? 10 A. Oh, boy. Okay. So the full 11 name is easy. Evan Douglas Hunt. 12 The home address just changed. 13 It's 113 West Pierson, Phoenix, Arizona 14 85013. 15 Q. How long have you been there? 16 A. Two weeks. 17 Q. Well, congratulations on your 18 move. 19 A. Thank you. 20 Q. And by whom are you employed at 21 this time? 22 A. I'm still employed by Fairmont. 23 Q. Okay. And there is an entity 24 named Sahara that's under the Fairmont 25 label?</p>
<p>1 2 STIPULATIONS 3 4 IT IS HEREBY STIPULATED AND AGREED, 5 by and among counsel for the respective 6 parties hereto, that the filing, sealing 7 and certification of the within deposition 8 shall be and the same are hereby waived; 9 IT IS FURTHER STIPULATED AND AGREED 10 that all objections, except as to form of 11 the question, shall be reserved to the time 12 of the trial; 13 IT IS FURTHER STIPULATED AND AGREED 14 that the within deposition may be signed 15 before any Notary Public with the same 16 force and effect as if signed and sworn to 17 before the Court. 18 19 * * * 20 21 22 23 24 25</p>	<p>Page 3</p> <p>1 E. HUNT 2 A. Sahara is the owner of The 3 Plaza. 4 Q. Right. 5 A. Yeah. 6 Q. And what is their relationship 7 to Fairmont? 8 A. It -- 9 They own a stake of -- of -- 10 Well, so I guess The Plaza is 11 the asset -- the building is the asset. So 12 Sahara is an owner of -- of The Plaza. 13 Although, I thought that that was -- I'm 14 not an expert on this, but I think that 15 their share of the mortgage was recently 16 sold. 17 Q. I believe that's true. 18 A. Yeah. 19 Q. And is Sah- -- 20 Was Sahara originally the 21 manager of the property? 22 A. No. Sahara is not a manager. 23 Q. Okay. 24 A. Yeah. 25 Q. Who was the manager of the</p>

2 (Pages 2 - 5)

<p style="text-align: right;">Page 34</p> <p>1           E. HUNT      2 followed as the assistant director of HR?      3           And take your time, please.      4   A. (Document review.)      5           It is.      6   Q. Okay. That was the procedure      7 that was in effect at the time you were the      8 assistant director?      9   A. Uh-huh.      10   Q. And in the case of the      11 bartenders at the Palm Court, were those      12 procedures followed?      13   A. Could you be more specific?      14 You --      15   Bartenders?      16   Q. Yeah. There were four      17 bartenders at the Palm Court. Tina      18 Braunstein was one.      19   A. Uh-huh.      20   Q. And there were three male      21 bartenders.      22   A. Uh-huh.      23   Q. And you, I believe, received      24 complaints from the bartenders about each      25 other's conduct or behavior?</p>	<p style="text-align: right;">Page 36</p> <p>1           E. HUNT      2 referring to have been produced. We      3 went over Defendant's production to      4 Plaintiff.      5   MR. HAESLOOP: Okay.      6   MS. RAY: So all of those      7 documents referred to have been      8 produced already.      9   MR. HAESLOOP: Uh-huh. Okay.      10 I just don't recall seeing those      11 handwritten notes because I didn't      12 have them.      13   MS. RAY: They are in      14 Defendant's production. There are      15 handwritten notes as well as typed-up      16 notes.      17   MR. HAESLOOP: Okay. Do you --      18 You wouldn't happen to know      19 their Bates stamps off --      20   MS. RAY: No.      21 BY MR. HAESLOOP:      22   Q. All right. Let me have that      23 back.      24   A. (Complies.)      25   Q. As you sit here today, do you</p>
<p style="text-align: right;">Page 35</p> <p>1           E. HUNT      2   A. Uh-huh.      3   Q. Is that correct?      4   A. That's correct.      5   Q. Okay. Do you --      6       Did you review those complaints      7 by either e-mail or other written form      8 before you came here today?      9   A. Some, yes.      10   Q. Okay. Do you recall making any      11 notes with respect to Tina Braunstein's      12 complaints?      13   A. Yes, a few.      14   Q. Okay. And you don't have those      15 handwritten notes?      16   A. We actually went over some of      17 them yesterday.      18   Q. The notes?      19   A. Yeah.      20   Q. Okay.      21   A. You have them in the exhibits.      22       MR. HAESLOOP: I would call for      23 the production of his handwritten      24 notes as the --      25       MS. RAY: The notes he's</p>	<p style="text-align: right;">Page 37</p> <p>1           E. HUNT      2 recall the nature of Tina Braunstein's      3 complaints to the HR department?      4   A. Some of them, yeah.      5   Q. Well, what do you recall?      6   A. I remember there was a      7 complaint about a Taylor; there was a      8 complaint about another colleague, Edmund      9 McSloy; there was a complaint about her      10 manager, Amin.      11       Those are the only ones I can      12 remember specifically.      13   Q. All right. And were each of      14 those complaints reduced to writing?      15   A. She sent e-mails about each      16 one, so they were in writing.      17   Q. Okay. Do you recall      18 interviewing her personally prior to her      19 termination regarding any of those      20 complaints?      21   A. I interviewed her personally      22 about the one about Amin, and I sat in on      23 the interview for her with Edmund, but I      24 did not interview -- I wasn't the      25 interviewer; I was the witness.</p>

<p>1                   E. HUNT</p> <p>2   Q. Who was the interviewer?</p> <p>3   A. Kristin Stabile.</p> <p>4   Q. And who is she?</p> <p>5   A. She was the interim director of</p> <p>6 HR.</p> <p>7   Q. Okay. Did you make notes of</p> <p>8 that meeting?</p> <p>9   A. I did not.</p> <p>10   Q. Do you know if Kristin Stabile</p> <p>11 made notes of that meeting?</p> <p>12   A. She did.</p> <p>13   Q. Do you remember the nature of</p> <p>14 the allegation?</p> <p>15   A. Yes.</p> <p>16   Q. What was it?</p> <p>17   A. She was complaining that</p> <p>18 Edmund --</p> <p>19   Q. That's Edmund McSloy?</p> <p>20   A. Edmund McSloy.</p> <p>21   Q. He was the day bartender?</p> <p>22   A. He was the day bartender,</p> <p>23 correct.</p> <p>24       -- yelled at her and was very</p> <p>25 aggressive in his communication with her.</p>	<p>Page 38</p> <p>1                   E. HUNT</p> <p>2 investigation, it turned out that Tina was</p> <p>3 actually bullying Edmund beforehand.</p> <p>4   Q. And how was that determined?</p> <p>5   A. Based off of the witness</p> <p>6 statements of the comments that Tina made</p> <p>7 to Edmund before the interaction happened.</p> <p>8   Q. And did Tina tell you the</p> <p>9 comments that she made or did McSloy tell</p> <p>10 you what she said first?</p> <p>11   A. Actually, it was the witness,</p> <p>12 Eddie Marini, that told us.</p> <p>13   Q. And who is Eddie Marini?</p> <p>14   A. He's another p.m. bartender.</p> <p>15   Q. Do you know the names of the</p> <p>16 three p.m. male bartenders other than --</p> <p>17       Well, two others besides Eddie</p> <p>18 Marini?</p> <p>19   A. Yeah, James Menite.</p> <p>20   Q. Yes?</p> <p>21   A. And then I -- Roberto, I can't</p> <p>22 remember his last name.</p> <p>23   Q. Rosa.</p> <p>24   A. Rosa? Okay.</p> <p>25   Q. Do you recall at any time while</p>
<p>1                   E. HUNT</p> <p>2   Q. And was Edmund at that meeting?</p> <p>3   A. Was Edmund at the meeting --</p> <p>4   Q. The meeting where Tina was</p> <p>5 interviewed regarding that complaint</p> <p>6 against Edmund?</p> <p>7   A. I don't remember.</p> <p>8   Q. Okay. But that was a meeting</p> <p>9 that Kristin Stabile and yourself attended?</p> <p>10   A. There --</p> <p>11   Yes.</p> <p>12   Q. And were there others present?</p> <p>13   A. I can't remember.</p> <p>14   Q. Was Tina present?</p> <p>15   A. Tina was present.</p> <p>16   Q. Okay. And do you recall what</p> <p>17 action was taken in response to her</p> <p>18 complaint?</p> <p>19   A. It was investigated. I</p> <p>20 remember Kristin went through and</p> <p>21 interviewed all the witnesses to the event</p> <p>22 and, ultimately, no discipline was handed</p> <p>23 down to either colleague.</p> <p>24   Q. Meaning McSloy?</p> <p>25   A. McSloy or Tina. Because in the</p>	<p>Page 39</p> <p>1                   E. HUNT</p> <p>2 you were serving in the position we're</p> <p>3 talking about --</p> <p>4   A. Uh-huh.</p> <p>5   Q. -- receiving any complaint</p> <p>6 about James Menite drinking while on duty</p> <p>7 at the bar or being intoxicated while</p> <p>8 performing his duties?</p> <p>9   A. When Tina was terminated, she</p> <p>10 brought it up.</p> <p>11   Q. How about prior to that?</p> <p>12   A. I don't remember receiving</p> <p>13 anything prior to that.</p> <p>14   Q. When she brought that up at the</p> <p>15 time of her termination, did you take any</p> <p>16 action to investigate that?</p> <p>17   A. Yes. I didn't personally.</p> <p>18 Martin Mariano looked into it, I believe.</p> <p>19   Q. And do you know what the --</p> <p>20 what he reported back to you as?</p> <p>21   A. Yeah, I mean, there was no</p> <p>22 conclusive proof that he had been drinking.</p> <p>23   Q. Well, do you know how that was</p> <p>24 determined?</p> <p>25   A. I believe he looked at</p>

<p>1                   E. HUNT      2        MS. RAY: Excuse me.      3        Could you just say "yes"      4 instead of --      5        THE WITNESS: Oh.      6        MS. RAY: -- "uh-huh."      7        THE WITNESS: Yes.      8 BY MR. HAESLOOP:      9       Q. Have you ever been deposed      10 before?      11      A. Never.      12      Q. Do you have plans to be deposed      13 in the near future?      14      A. Hopefully not.      15      Q. All right. And it reads, "I'm      16 writing again to inform you that the      17 continued harassment by Mrs. Braunstein is      18 only getting worse. The situation needs to      19 be resolved as soon as possible for it is      20 no longer just causing me stress and      21 anxiety. Last night it started affecting      22 my ability to perform my job."      23      Prior to this e-mail or      24 statement by Mr. Rosa, had you had any      25 similar complaints about Tina Braunstein?</p>	<p>Page 46</p> <p>1                   E. HUNT      2        Q. Would those reports have been      3 handwritten, typed or e-mailed, if you      4 know?      5        A. Marty would normally type them      6 and e-mail them.      7        Q. And it says, "Please schedule a      8 meeting for Roberto, myself and Evan for      9 Monday. In the meantime, I think we need      10 to bring these two together for a      11 discussion about acceptable behavior. I'm      12 going to reach out to Roberto."      13      And do you know if that meeting      14 that he's referring to ever took place?      15      A. I believe it did, yes.      16      Q. And do you remember who was at      17 that meeting?      18      A. I was there; Marty was there;      19 Roberto was there. I can't remember if      20 anyone else.      21      Q. Was Tina Braunstein there?      22      A. No.      23      Q. But the intent of Martin's      24 e-mail is to have everyone there to have a      25 meeting for a discussion about acceptable</p>
<p>1                   E. HUNT      2        A. Of harassment?      3        Q. Yes.      4        A. We had had similar bullying      5 complaints by, I believe, some of the      6 cocktail servers.      7       Q. Do you remember which ones?      8       A. I can't remember their names      9 offhand.      10      Q. Do you remember Paige?      11      A. That sounds familiar, yes.      12      Q. Do you know if those complaints      13 were ever reduced to writing?      14      A. I can't remember.      15      Q. Now, this e-mail that's      16 identified as Number 17 says -- and this is      17 February 21st at 11:08 and the other one      18 that I just read is February 21st at      19 8:19 a.m.      20      And it says, "I've sent even      21 reports on our meetings."      22      Do you know which reports he's      23 referring to? This is Martin Mariano.      24      A. I can't remember specifically,      25 no.</p>	<p>Page 47</p> <p>1                   E. HUNT      2 behavior.      3        Was there a reason that Tina      4 wasn't included in that meeting?      5        A. I mean, generally, if we were      6 meeting with a person for bullying, you      7 would meet with the person to discuss it      8 first and then discuss whether, you know --      9 then at that point you would take a look on      10 whether you would have the person that was      11 responsible for the alleged bullying there.      12      Q. Okay. And prior to      13 February 21st, 2015, you had received      14 complaints from Ms. Braunstein about      15 harassment allegations, had you not?      16      A. Yes.      17      Wait. What was the date you      18 said?      19      Q. February 21st, 2015.      20      A. Yes.      21      Q. Okay. And did you ever after      22 the -- after February 21st, 2015, have a      23 meeting with Tina Braunstein to discuss      24 these allegations?      25      A. I can't remember.</p>